
**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

ILLINOIS COMMERCE COMMISSION)	
)	
On Its Own Motion)	
)	
v.)	No. 07-0166
)	
COMMONWEALTH EDISON COMPANY)	
)	
Investigation of Rate Design Pursuant to)	
Section 9-250 of the Public Utilities Act)	

REPLY BRIEF ON EXCEPTIONS

OF

THE BUILDING OWNERS AND MANAGERS ASSOCIATION OF CHICAGO

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Date: August 13, 2007

ORAL ARGUMENT REQUESTED

I. COMED'S ASSERTION THAT SENATE BILL 1592 SUPPORTS REJECTION OF BOMA'S PROPOSALS IS WHOLLY UNFOUNDED

In its Brief on Exceptions, Commonwealth Edison Company ("ComEd") makes the surprising, and wholly unfounded, argument that Senate Bill 1592 supports the Proposed Order's rejection of BOMA's rate relief proposals since, in ComEd's view, the proposed new Section 16-103.1 of the Public Utility Act (the "Act") "...demonstrates that the General Assembly expressly considered the question of reclassifying certain nonresidential certain common area nonresidential accounts..." and determined to exclude BOMA's proposals. (ComEd Brief on Exceptions at pg. 7) In fact, although Section 16-103.1 discretely relates to residential condominiums, neither Section 16-103.1 nor any other provision of Senate Bill 1592 addresses or makes any findings with respect to the elimination of Rider 25 or rate design for the nonresidential space-heating customers generally, nor do such provisions evince any legislative intent to sanction the enormous, unmitigated rate shock experienced by the nonresidential space-heating customers. Senate Bill 1592 expressly acknowledges that the transition to retail competition is not complete and that escalating prices for electricity pose a serious threat to the economic well-being of residents, commerce and industry. (Senate Bill 1592 at Sec. 1.5(2), (3)); that the Bill affords concrete relief to residential customers does not abrogate ComEd's obligation to provide just, reasonable and non-discriminatory rates to nonresidential customers.

If anything, Senate Bill 1592's focus on residential rate relief exacerbates the need to provide relief to nonresidential customers in the within proceeding. As BOMA has repeatedly asserted, the nonresidential space-heating customers have experienced the highest cost increases of any party to this proceeding and remain the only customer class who has not been provided with meaningful rate relief.

II. COMED FAILS TO SUBSTANTIALLY REBUT THE ASSERTION THAT RIDER 25 WAS UNLAWFULLY ELIMINATED

Other than restating in its proposed language the Proposed Order's erroneous conclusion that Rider 25 was a mere "pricing discount," and not a utility service, (ComEd Brief on Exceptions at pg. 8), ComEd provides no substantial rebuttal to BOMA's assertions that Rider 25 was eliminated in contravention of Section 16-103(a) of the Act. As repeatedly stated, by its express terms, Rider 25 is a distinct and identifiable tariffed service which has been filed with the Commission for over three decades; its discontinuance can only be effected in accordance with Sections 16-113 or 8-508 of the Act. (BOMA Initial Brief at pg. 12-13).

III. CONCLUSION

ComEd's argument that the legislature somehow intended to remedy Rider 25 customers by promulgating new Section 16- 103.1 is unavailing. BOMA's core contentions—that Rider 25 was improperly eliminated and that the ComEd's current nonresidential rate designs are unreasonable and discriminatory, remain viable.

For the reasons set forth herein and in its prior briefs, BOMA respectfully requests that the Commission adopt the language set forth in BOMA's Brief on Exceptions.

Respectfully submitted,

THE BUILDING OWNERS AND MANAGERS
ASSOCIATION OF CHICAGO

A handwritten signature in black ink, appearing to read "Michael Munson". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

By: Michael Munson, its attorney

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